

Par. 1. **Material Transmitted and Purpose** --Transmitted with this Manual Letter is revised Service Chapter 624-05 – Foster Care Services Permanency Planning. PI-13-23 and PI 13-04 have been incorporated in this manual letter.

Par. 2. **Effective Date** --July 25, 2014

**Case Plan 624-05-15-50
(Revised 7/25/14 ML #3415)**

[View Archives](#)

Each child in foster care is required by federal law to have a case plan which must be a written document, which is a discrete part of the case record.

The information on FRAME case management captures information essential to generate the "Permanency Planning Committee Initial Report" (case plan) to meet federal foster care requirements.

The "Permanency Planning Committee Initial Report" ([SFN 902](#)) was designed to meet the case plan requirements. It now may be used only in very limited circumstances. Before using the SFN 902, it is suggested that you verify whether it will be accepted.

All items on the case plan (SFN 902, or FRAME) must be thoroughly discussed at the committee/team meeting. The initial case plan must be developed no later than 30 days following the placement.

The signed signature sheet from the Permanency Planning Committee Initial Report, or the Periodic Review (FRAME generated) must be maintained as a hard copy in the child's foster care case file.

In those limited situations where the permanency planning preprinted forms are allowed, Permanency Planning Committee Initial Report, [SFN](#)

902, and Permanency Planning Committee Progress Report, SFN 903, the entire form, signed, must be maintained as a hard copy in the child's foster care case file.

Title IV-E of the Social Security Act, Sec. 475, specifies what must be in a foster care case plan. Those requirements are summarized here:

- The plan must be a written document. FRAME, The "Permanency Planning Committee Initial Report" (SFN 902), plus the "Permanency Planning Committee Progress Report" (SFN 903) contain the essential elements and constitute the required written documentation to meet the federal mandates.)
- A description of the type of home or institution in which the child will be placed, discussion of safety and appropriateness of the placement, how the responsible agency plans to carry out court requirements (i.e. reasonable efforts).
- The plan must assure the child receives safe and proper care; that services are provided to the parents, child, and foster parents in order to improve conditions in parents' home, facilitate return of child to their own safe home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child as reflected in FRAME. The plan must also address visitations between the parent(s), siblings, and foster child. The timeframes for these visits must be appropriate and meet the needs of the foster child and his/her family.
- It must include the most recent information available pertaining to child's health and education records, including:
 - Names and addresses of child's health and educational providers;
 - Child's grade level performance;
 - Child's school record;
 - Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement;

- A record of child's immunizations;
- The child's known medical problems;
- The child's medication;
- Any other relevant health and education information concerning the child determined to be appropriate by the State agency;
- Assurances that a school age child in foster care is enrolled as a student (or in the process of enrolling), or is a full-time *elementary or secondary school student; or, is incapable of attending school on a full-time basis due to the medical condition of the child. If the child is incapable of attending school on a full-time basis, regularly updated information, must be included in the case plan that supports this determination; and
- Assurances that the agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; or, if remaining in such school is not in the best interests of the child, assurances by the State agency and local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

(* The term "elementary or secondary school student" can include youth who are attending school in accordance with the State home school law, or youth who are seeking his/her GED through an independent study program in accordance with State law.)

NOTE: The above information related to education and medical must be reviewed and updated at the time of each placement of the child in foster care. Also, included is a requirement that such records be supplied to the foster parents or foster care providers.

If the child's permanency plan/goal is adoption or placement in another permanent home, federal law (ASFA) requires the plan must include documentation of the steps the agency is taking to find an adoptive family or other planned permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize a legal

guardianship. At a minimum such documentation must include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State and interstate placements.

Where appropriate for a child 16 and over, the plan must include a written description of the programs and services which will help the child prepare for the transition from foster care to adulthood.

Youth who are age 16 and older; and have been identified as "likely to age out of foster care"; are required to be referred to the Regional Chafee Independent Living Program.

Credit Report Policy:

This policy is specific to foster youth under the custody of County Social Services, the Division of Juvenile Services (DJS), and Title IV-E Tribal Social Services.

The intent of the federal law is to:

1. Identify if the youth has been subject to identity theft;
2. Assist youth in understanding the importance of having a credit check completed;
3. Teach the youth how to review a credit report;
4. Educate the youth on the process to continue this practice upon discharge from foster care.

ND Credit Report Policy:

Beginning January 1, 2014, ND Children and Family Services Criminal Background Check Unit (CBCU) will obtain an annual credit report from each of the three CRA's (TransUnion, Equifax, and Experian) for North Dakota foster youth over the age of 16. CBCU will request youth credit reports the 10th of each month and documentation will be electronically forwarded to the custodial case manager within 45 days following the foster youth's birthday.

Each month a FRAME report will identify foster youth who will turn 16, 17, or 18+ with an open court order in an open foster care service period. CBCU will review data from three months prior to see if any youth who turned age 16 or greater entered

foster care since the last month's request. It is critical that information is entered into FRAME in a timely manner; especially when opening a new case or closing a foster care service program. Ex: If a youth is no longer in foster care, but the foster care program has not been closed in FRAME; CBCU will obtain that youth's credit report. Youth turning age 18 will be eliminated from retrieving their own "free credit report" post discharge because ND already obtained the report on their behalf. Individuals are only allowed one free annual credit report.

Credit Report Results:

Many youth under the age of 18 will likely not have a credit report, as many do not have credit history. Therefore, the request of a credit report for a youth in foster care will simply be confirming that no report exists. However, when a credit report does exist, it indicates that there is likely a need to correct information and to take action to protect the identity and future credit worthiness of the foster youth.

What if discrepancies are found?

Case managers will be responsible to remedy a false credit report. Below are steps on how to respond to discrepancies found in a credit report:

1. Discuss with the youth the results of the report asking if they are aware of anyone using their identity to secure finances (housing, utilities, cell phone).
2. Contact the companies where an account was fraudulently opened or misused. The youth's custodial agency must discuss the logistics of the accounts and indicate there is false credit out in the minor youth's name. Companies will have different procedures to follow in the effort to remedy fraudulent activity.
3. After receiving more information, discuss with the youth the need or desire to file a police report.
4. If needed, contact the Credit Reporting Agency where the activity was identified:
 - a. To place an initial fraud alert on youth's name;
 - b. To initiate a credit freeze for the youth's name;
5. If needed, file a report with the Federal Trade Commission (FTC) www.ftc.gov or call 1-877-IDTHEFT (1-877-438-4338);

In order to be in compliance; case managers must:

1. Place a copy of the credit report or message indicating a report does not exist sent by Children & Family Services CBCU in the youth's case file;

2. Assist the youth in understanding why the credit report was obtained, interpreting the results, and resolving inconsistencies (flyer created to use if desired):
3. After communicating with the youth, document the independent living opportunity for the purposes of National Youth in Transition Database (NYTD) federal reporting. Case managers will select "Budget-Financial Management" in FRAME under the Independent Living Services (NYTD) tab.

Two existing tools, Foster Care Discharge Checklist and Child & Family Team Meeting Outline, have been updated to include a section on credit reports for worker convenience. These were tools created to assist workers with case file requirements; they are not required for use.

Transition Planning

A transition plan that is personalized at the direction of the child must be developed during the 90-day period immediately prior to the date on which the child will reach the age of 18. The transition plan will include specific options such as:

1. Housing
2. Health insurance
3. Education
4. Local opportunities for mentors and continuing support services
5. Work force supports and employment services
6. Information related to Health Care Directives

While the child is in foster care, the transition plan must be as detailed as the child chooses and shall be developed during the Foster Care Child & Family Team meeting and is made part of the child's case plan.

Health Care Directives

All foster youth who will be discharged from foster care at the age of 18 must be informed about the importance of designating another individual to make health care treatment decisions on their behalf if they become unable to do so, and they do not want or do not have a relative who could make these decisions. A "health care directive" is a document that enables youth to make decisions now about medical care in the future. Forms and directions related to health care directives can be found at www.legis.nd.gov/cencode/t23c065.pdf. A brochure, "Health Care Directives, A Guide to Assist Youth Aging Out of Foster Care," DN 35, is available to give to youth when developing the youth's transition plan.

Notice of Child Proceedings

Foster parents, preadoptive parents, or relatives providing care for the child must be provided with written notice of and a right to be heard in any proceeding held with respect to the child during the time the child is in the care of such foster parent, preadoptive parent or relative caregiver. Email or letter notice constitutes written notice, if there is documentation of the letter or email on file.

For assistance in generating the child's foster care case plan on FRAME, please refer to the FRAME user manual.

Abbreviated Case Plan

Every child in foster care is required to have an approved case plan which is a written document that is made a discrete part of the case record. For youth in foster care on a short-term basis (less than 30 days), an abbreviated case plan is allowable. An abbreviated case plan must contain at least one completed factor, with goals and tasks, in FRAME's family assessment instrument.

All case plans must take into account the youth's safety, permanence, and well-being. An approved case plan must be in FRAME before the foster care case can be closed.

Case Reviews

The requirements for the periodic case reviews are spelled out in Title IV-E of the Social Security Act, Sec. 475(5), summarized here.

The case review system means a procedure for assuring that:

- Each child has a case plan (FRAME) designed to achieve placement in a safe setting that is the least restrictive (most family like) and most appropriate setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child, which:
- If the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parents of the child, or in a State different from the State in which such home is located, sets forth the reasons why such placement is in the best interests of the child, and
- If the child has been placed in foster care outside the State in which the home of the parents of the child is located, requires that, a case manager(from either State) visit such child in the home or institution where the child is placed, and every month, submit a report on the visit to the State agency (Children and Family Service Division).

The periodic review (North Dakota reviews quarterly) determines the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating the causes which necessitated the foster care placement, and projects a likely date when the child may be returned to and safety maintained in the home or placed for adoption or legal guardianship.

Foster parents, preadoptive parents, or relatives providing care for the child must be provided with notice of and a right to be heard in any review (Permanency Planning Committee/Foster Care Child & Family Team meetings) or hearing with respect to the child.

The FRAME case management system is designed to capture the information required to generate the "Permanency Planning Committee Progress Report." Hard copies of the FRAME information can be generated and copies made for distribution. Please refer to the FRAME User Manual for technical assistance.

The periodic review document is SFN 903, "Permanency Planning Committee Progress Report," which may be used only in very limited circumstances.

The signed signature sheet from the Permanency Planning Committee Initial Report, or the Permanency Planning Periodic Review (FRAME generated) must be maintained as a hard copy in the child's foster care case file.

In those limited situations where the permanency planning preprinted forms are allowed (Permanency Planning Committee Initial Report, SFN 902, and Permanency Planning Committee Progress Report, SFN 903), the entire form, signed, must be maintained as a hard copy in the child's foster care case file.

In addition to the requirements outlined above, good practice dictates and federal law requires the case plan to include at a minimum the following items:

1. The goal(s) of placement. Goals must be time framed.
2. Identification of the specific circumstances which necessitated and cause the separation of the child from the family. Refer to the Agency View and Family View of Situation in the FRAME Case Plan.
3. Identification of the specific services to be provided by the agency in alleviating or helping to alleviate the conditions which led to the placements; project the date(s) by which each of these goals is to be accomplished. Refer to the Family Risk Assessment (FRA) located with the FRAME.

4. Identification of the specific actions to be taken by the parents in correcting the conditions which led to the placement and the date by which each of these activities is to be accomplished. Refer to the Goals and Tasks sections of the Family Risk Assessment (FRA) within FRAME.
5. Identification of the specific actions, when appropriate, to be taken by the child in correcting the conditions which led to placement and the date by which each of these activities is to be accomplished. Refer to the Goals and Tasks section of the Family Risk Assessment (FRA) within FRAME.
6. Identification of the specific services to be provided by the foster parents to the child. Refer to the Goals and Tasks section of the Family Risk Assessment (FRA) within FRAME.
7. Anticipated length of placement stated in months.
8. Written plan for visitation stating frequency, location and participation.
9. Specific information addressing the health, safety, and well being of the child. Refer to the Life Domains and Safety Plan in the Family Risk Assessment (FRA) within FRAME.

This information is included in the child's case plan on FRAME. Refer to the FRAME user information for technical assistance.

NOTE: High Risk Youth (at risk of harming self or others)

Great emphasis is placed on youth in foster care receiving safe and proper care. Each child/youth's case plan must include strategies for dealing with any behaviors or emotional needs which place him/her in the high risk category. Upon identification of such behaviors or emotional needs, a safety plan must be developed immediately for implementation.

A safety plan must be developed and distributed to all appropriate parties, specifically including the foster parents.

**18+ Continued Care 624-05-23
(Revised 7/25/14 ML #3415)**[View Archives](#)

A child in 18+ Continued Care is still considered to be a “child” for the purposes of foster care as noted in [NDCC 27-20](#). The child is considered an adult in all other systems; therefore releases of information are needed.

PROGRAM ELIGIBILITY AND VERIFICATION**Eligibility For Continued Foster Care**

18+ Continued Care is available to eligible current and former foster care children up to the age of 21 years old if the child meets certain criteria. The child must have aged out of foster care while in the custody of a North Dakota public agency including; county social services, tribal social services, and the Division of Juvenile Services (DJS). Tribal Social Services foster care youth must have been Title IV-E eligible prior to discharge in order to qualify for 18+ Continued Care set forth in this policy. The length of time that a child is in foster care does not determine their eligibility for 18+ Continued Care. The 18+ Continued Care program philosophy encourages youth to stay in family foster care while they continue to pursue independence. Any arrangements made for placement in settings other than family foster care must be staffed with, and approved by the state office.

Living Arrangements

The following types of living arrangements are allowable:

- ☐ Licensed Foster Care Homes
- ☐ College Dorms
- ☐ Group Homes/ RCCF's

A child generally will not be eligible for 18+ Continued Care if they are living in an apartment. Special circumstances to allow this will need to be discussed with the Regional Supervisor.

A child must:

1. Be between the ages of 18 and 21.
2. Need continued foster care services.
3. Have aged-out of foster care at age 18 or greater from County Social Services, Tribal Social Services (as Title IV-E eligible) or Division of Juvenile Services.
4. Qualify in at least one of the program eligibility categories.
5. Agree to and sign the 18+ Continued Foster Care Agreement (SFN 60).
6. Return to foster care within six months of their last discharge date.

Categorically Eligible

Verification of initial and ongoing eligibility for program participation is the responsibility of the case manager or the agency's agreed upon designee. A release of information between the agency, child and verifying entity (school, employer, etc.) is needed.

Eligibility may be reached in a combination of the following categories:

1. Education

Eligibility: The child must participate in secondary or post-secondary education on a full or part time basis. A child who is attending school on a part time basis is encouraged to also work or volunteer. Arrangements should be negotiated between the child and the case manager. If the child is on an extended school break (i.e. summer break) or if the next school session is more than 30 days away, the child should work or volunteer until the session begins.

Verification: Verification must be provided in the form of an enrollment or acceptance letter, copy of grades, a letter from the school, class schedule, tuition receipt, etc. The frequency of verification must be every 9 weeks, quarter, or semester depending on the program in which the child is involved or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Foster Care Child and Family Team Meeting.

2. Employment

Eligibility: The child must work at least 80 hours per month.

Verification: Verification must be provided in the form of a pay stub, letter from employer, a copy of an application for employment, etc. The frequency of verification must be monthly or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Foster Care Child and Family Team Meeting.

3. Employment Preparatory Program

Eligibility: The child must attend a program that is designed to promote or remove barriers to employment. There could also be educational components tied to this type of programming; for example Job Corps. If the start of the next program session is more than 30 days away, the child should work or volunteer until the program begins.

Verification: Verification must be provided in the form of an application, enrollment or acceptance letter, copy of grades, a letter from the program, program schedule, tuition receipt, etc. The frequency of verification must be every 9 weeks, quarter or semester depending on the program in which the child is involved or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case

manager visitation meeting and at every quarterly Foster Care Child and Family Team Meeting.

4. Medical Condition or Disability

Eligibility: The child must be unable to participate in educational or employment activities stated above due to a medical condition or disability. A medical condition or disability would have likely been identified long before a child enters 18+ Continued Care.

Verification: A statement signed by a licensed physician, physician's assistant, psychologist, or Vocational Rehabilitation Counselor that documents the child's medical condition or disability (which can include a mental health diagnosis) and their inability to go to school, work, or participate in job training. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Foster Care Child and Family Team Meeting or more often if required by the case manager.

Grace Period

In the event a child does not meet an eligibility category set forth above, a 30 day grace period is allowable to enter under one or a combination of the categories. During the grace period, volunteer work is encouraged while a child awaits an offer for employment or acceptance to an educational program.

Return to Foster Care

18+ Continued Care participants must have been discharged from foster care at the age of 18 or greater from a North Dakota public agency; including county social services, tribal social services, or Division of Juvenile Services (DJS). The agency where the child last exited foster care will be the point of contact for the child requesting a return to foster care. For example; in the case of a child under the custody of DJS, who exited foster care at or after the age of 18, the child should contact their

most recent DJS case manager or agency to identify steps on how to return to foster care.

The child must return to foster care within six months of their last foster care discharge date. If the date falls past the six month re-entry maximum, contact the Regional Supervisor to discuss. There is no limit to the number of times that a child can return to foster care. Eligibility must be assessed at the time of the child's request to return to foster care. The voluntary 18+ Continued Foster Care Agreement (SFN 60) must be signed between all three parties for 18+ Continued Care to occur.

Residency

Some children may be in foster homes, group facilities or dorms in other states and continue to want or need the support of a foster home or group facility. A North Dakota foster child living out of state is eligible for 18+ Continued Care. A child, who ages out of foster care under the custody of another state, is not eligible for North Dakota 18+ Continued Care even if they move to North Dakota.

Interstate Compact Placement of Children (ICPC) does not apply to those over the age of 18, however continued courtesy case management requests of out of state partners is allowable and encouraged.

Criminal Background Checks

A child who remains in or returns to foster care in 18+ Continued Care is still considered to be a "child" for the purposes of foster care as noted in NDCC 27-20. Therefore, it is not possible to conduct a fingerprint based criminal background check. However, it is possible for agencies to conduct a free web-based search.

<http://www.ndcourts.gov/Search/Query.asp>

<http://publicsearch.ndcourts.gov/default.aspx>

<http://pa.courts.state.mn.us/default.aspx>

CASE MANAGEMENT**Case Management Responsibilities**

All case management responsibilities applicable to children under the age of 18 in foster care will continue for a child participating in 18+ Continued Care. Case management requirements continue regardless of the child's IV-E eligibility and the case is subject to review during a CFSR and if applicable during a Title IV-E audit. To assist with monthly face to face visits, the use of the created tool "18+ Monthly Face to Face" contact form is encouraged.

Agencies must advise a child of the availability to continue in foster care and receive benefits until they reach the age of 21. This discussion should be done within 90 days of their 18th birthday, in conjunction with the development of the required transition plan. To assist with notification to the child a brochure (DN 1174) was developed for distribution.

If a child currently in foster care notifies the agency of their intent to participate in 18+ Continued Care, the agency will work with the child's foster care provider to see if the continued placement would be appropriate. If the placement is not appropriate, recruitment efforts for a new placement resource should begin.

For a child returning to foster care after being discharged, the case manager must complete the assessment of safety and risk. If the child is in crisis, the case manager should provide crisis intervention services (i.e. connecting the child with resources that provide temporary housing, food, emergency medical care, etc.). If a foster care placement is not available at the time the child requests to return to foster care, the agency will begin recruitment efforts immediately. A child is not in foster care until a placement resource is identified and all three parties sign the 18+ Continued Foster Care Agreement (SFN 60).

18 + Continued Foster Care Agreement

The 18+ Continued Foster Care Agreement (SFN 60) is a three party agreement willfully entered into between the Department of Human Services or its agent (agency), the child, and the foster care provider.

This option is used for any youth turning 18 that wishes to continue in foster care and whose custody order expires, or a child over the age of 18 that wishes to return to foster care within 6 months of discharge. When the child turns 18 and continues in foster care, the 18+ Agreement does not start a new foster care episode – it is simply a continuance of the current foster care episode because the child never left care. If the child returns to care, the 18+ Agreement will initiate a new foster care episode.

At times, custodians will receive custody extending beyond the child's 18th birthday. In this instance, the custody order will remain in effect and regular foster care will continue. **An 18+ Continued Care Agreement is not necessary if a custody order is in effect.**

Multiple Agreements:

When the 'effective date' of the 18+ Agreement is entered into FRAME, the duration start and end dates are automatically populated. The end date reflects the day prior to the child's 21st birthday. When an 18+ Agreement is no longer valid, it is necessary for the case manager to "edit" the end date to accurately reflect the date that the 18+ Agreement ended with that specific provider. This will eliminate "multiple" effective agreements in FRAME.

Continued Care Example:

1. If the child requests to remain in foster care upon turning age 18 on February 7th, and all three parties are in agreement, the agreement effective date will be February 6th, which is one day prior to the child's 18th birthday.

Return To Care Examples:

1. If the child requests to return to foster care on March 1st (4 months post discharge) and all three parties are in agreement, the agreement effective date will be March 1st.
2. If the child requests to return to foster care on March 1st (4 months post discharge), but there is not a foster care provider identified until April 5th (5 months 5 days post discharge), the agreement effective date will be April 5th. Agencies can begin recruitment efforts for a foster home on March 1st, but this child is not in foster care and the 18+ Continued Foster Care Agreement (SFN 60) is not effective until there are three willing parties (child, agency, and foster care provider).

18+ Continued Care Placement Process

Child In Continuous Foster Care

- Through the course of transition planning, the agency will educate the child and current foster care provider of 18+ Continued Care, its purpose, eligibility requirements, and expectations.
- The child makes their intention known to the agency that he/she would like to voluntarily remain in foster care once reaching the age of 18.
- The agency will review eligibility categories (education, employment, preparatory program, medical condition/disability).
- The agency will continue to meet with the child to conduct ongoing safety and risk assessments.
- If the child cannot remain in his/her current foster care placement, the agency will work to identify a new placement resource.
- The agency, child, and foster care provider will voluntarily sign the 18+ Continued Foster Care Agreement (SFN 60) effective the date prior to the child's 18th birthday.
- The agency will begin the court process seeking judicial determinations. Agency will draft an affidavit with requisite language seeking placement and care responsibility of the child.

- Judicial determinations must be made within 90 days of the effective date on the 18+ Continued Foster Care Agreement (SFN 60).
- Agency will follow existing foster care policy on case management duties and responsibilities.
- Agency will continue to update the case in FRAME. Initial changes will include foster care reason for care, foster care program period, court order, placement, care case plan, etc.
- Agency will meet at least monthly for face-to-face contact with the child.
- Agency and Regional Supervisor will co-chair Foster Care Child and Family Team meetings.
- Agency will assist the child in updating his/her personalized transition plan, including goal setting to allow the team to measure his/her achievement toward independence.
- Agency will provide independent living resource and referral (Ex: Discussions about home management, budgeting, referral to Chafee Independent Living, etc.).
- Agency will coordinate and communicate with foster parents, service providers, school, etc.
- A permanency hearing must be completed within 12 months of the date that the child entered foster care and every 12 months thereafter.
- The 18+ Continued Foster Care Agreement (SFN 60) remains in effect until the permanency goal is reached, one of the three parties requests to terminate, or the child reaches the age of 21.
- 18+ Continued Care case files are subject to Children and Family Service Reviews (CFSR) and Title IV-E federal foster care audits.

Child Returning To Foster Care Process

- The child contacts the public agency (county/tribal social services, DJS) in which he/she was last in foster care.

- The agency will meet with the child to identify steps on how to return to foster care.
- The agency will conduct a safety and risk assessment, which can include a free web-based background check search.
- The agency will review the program eligibility requirements.
- The agency will work to identify a placement resource for the child.
 - If no placement resource is available, the agency will provide the child with resource referral and begin recruitment for a foster home. The child is not in foster care until there is a three party agreement in place.
 - If a placement resource is identified, the agency, child, and foster care provider will fully enter into the 18+ Continued Foster Care Agreement (SFN 60).
- The agency will begin the court process seeking judicial determinations. Agency will draft an affidavit with requisite language seeking placement and care responsibility of the child.
- Judicial determinations must be made within 90 days of the effective date on the 18+ Continued Foster Care Agreement (SFN 60).
- Agency will follow existing foster care policy on case management duties and responsibilities.
- Agency will continue to update the case in FRAME. Initial changes will include foster care reason for care, foster care program period, court order, placement, care case plan, etc.
- Agency will meet at least monthly for face-to-face contact with the child.
- Agency and Regional Supervisor will co-chair Foster Care Child and Family Team meetings.
- Agency will assist the child in updating his/her personalized transition plan, including goal setting to allow the team to measure his/her achievement toward independence.
- Agency will provide independent living resource and referral (Ex: Discussions about home management, budgeting, referral to Chafee Independent Living, etc.).

- Agency will coordinate and communicate with foster parents, service providers, school, etc.
- A permanency hearing must be completed within 12 months of the date that the child entered foster care and every 12 months thereafter.
- The 18+ Continued Foster Care Agreement (SFN 60) remains in effect until the permanency goal is reached, one of the three parties requests to terminate, or the child reaches the age of 21.
- 18+ Continued Care case files are subject to Children and Family Service Reviews (CFSR) and Title IV-E federal foster care audits.

Termination from 18+ Continued Care

- Termination from foster care will occur if the permanency goal is reached, one of the three parties requests to terminate the agreement, or the child reaches the age of 21.
- The agency must notify the child via letter sent to his/her last known address within three days of the decision to terminate the 18+ Continued Foster Care Agreement. The child is informed they have the option to return to foster care within six months from their last date of discharge. A copy of this notification will become part of the child's case file.
- Child is discharged and the foster care program is closed.

Trial Independence

A child discharged from foster care at the age of 18 or older may be placed on Trial Independence for no greater than six months. Trial Independence allows for the child to maintain IV-E eligibility and return to foster care at any time before the six month expiration. During Trial Independence all case management responsibilities end, the foster care program is closed and the court order may be vacated or allowed to expire.

Documentation is required in the case file indicating that a child is discharged from foster care under Trial Independence. This documentation will support IV-E eligibility determination in the event he/she returns to foster care. The "Notice of Change" (SFN 45) has been revised to include a Trial Independence field.

School District Notification

18+ Continued Care requires agencies to follow existing policy on school district notifications. Communication with the Department of Public Instruction is encouraged to determine tuition standards.

Family Connections

Agencies must document the child's interest in pursuing involvement with their family after they turn age 18. If the child is interested in maintaining family connections, the agency must provide for visitation or other ongoing interactions, unless such interaction would be harmful to the child. Documentation in the case file regarding family connections must meet the requirements of the Children and Family Service Review (CFSR).

Transition Planning

Transition planning is strengths based and directed by the child. Agencies should include the child in conversations related to their independence and allow them to lead their Foster Care Child & Family Team meetings when appropriate.

Current policy states, a transition plan is required no greater than 90 days prior to the child's 18th birthday. For the purposes of 18+ Continued Care, transition plans should then be updated as needed and monitored on an ongoing basis until the child is discharged from foster care.

Agencies are encouraged to use the existing tool "Discharge Checklist" to ensure that the requirements of a transition plan are met. Requirements must include, but are not limited to housing, health insurance, education, local opportunities for mentors and support services, workforce supports and employment, and information related to health care directives.

Chafee Independent Living Program

Participation in the voluntary Chafee Independent Living Program is encouraged. Chafee Independent Living eligibility criteria and program standards can be found in Foster Care Services – Chafee Foster Care Independence Program 624-10.

Foster Care Recruitment

18+ Continued Care may require specialized recruitment efforts for foster homes. Agencies are encouraged to include these efforts in their recruitment and retention plan. Agencies are also encouraged to use the option of a statewide search to locate the best foster care provider match.

JUDICIAL DETERMINATIONS

The 18+ Continued Foster Care Agreement (SFN 60) must be signed by the agency, the child, and the foster care provider for any child who chooses to remain in or return to foster care. Foster care payments are available only for the first 90 days of the child's voluntary placement in foster care unless the required judicial determinations have been made.

There must be a court order that gives a public agency (county social services, tribal social services, DJS) placement and care responsibility within 90 days of the effective date noted on the 18+ Continued Foster Care Agreement (SFN 60). The court order does not have to be the result of an actual court hearing.

In order to claim foster care funds for a child, the following judicial findings must be included in all court orders for children age 18 to 21, remaining in or returning to foster care. No payment can be made to support a child's foster care placement without each and every required finding.

The required court order findings are:

1. **[Child's name]** is between the ages of eighteen and twenty one years and is need of continued foster care services. **[Child's name]** is not deprived, unruly or delinquent.
2. The court is in receipt of the affidavit for this child, and such affidavit is incorporated by reference into the record of this action.
3. **[Child's name]** requests to [remain in or return to] foster care pursuant to the "continued foster care agreement", willfully entered into between the Department of Human Services or its agent, the child, and the foster care provider.
4. It is in the best interest of this child to **[remain in or return to]** foster care, and reasonable efforts were made to meet the child's needs before a foster care placement. (Describe in an affidavit incorporated by reference.)
5. **[Child's name]** has satisfied the education, employment or disability requirements as set forth by the law.
6. **[Administrative County or the Division of Juvenile Services]** shall continue to provide foster care case management and will have care and placement responsibility of this child.
7. There are no grounds to terminate parental rights under chapter 27-20.
8. **Optional:**

[Child's name] will be required to appear at a Permanency Hearing before this court on or before 12 months from the date of the last permanency hearing, or 12 months from the date that the child entered foster care.

Permanency hearings are required every 12 months from the date that the child entered foster care. It is expected that most children in 18+ Continued Care will have a permanency plan of Another Planned Permanent Living Arrangement (APPLA). In addition to the identified

permanency plan of APPLA, the court order must also address the agency's efforts to prepare the child to meet the permanency goal. The agency's efforts toward that goal would include activities outlined in the child's case plan. The permanency court order must be the result of an actual hearing. Special attention should be given to children who "remain" in foster care. The permanency hearing may be on a different track than a child that "returns to" foster care. For example, a child entered foster care on 3/1/11, when the child was age 17. If not held before, a permanency hearing is required no later than 3/1/12. If that child turns age 18 on 2/1/12 and an 18+ court order is obtained with an expiration date of 2/1/13, the permanency hearing is still required on 3/1/12, unless the permanency hearing was held at the same time that the 18+ court order judicial determinations were made.

The agency must notify the foster care provider of any hearing held with respect to the child. A copy of the written notification should be kept in the child's case file.

Compelling reasons not to file a termination of parental rights is a requirement for 18+ Continued Care. Compelling reasons for not filing a TPR will be a judicial determination that there are no grounds to terminate parental rights under NDCC 27-20.

For children with an adjudication of delinquent, court orders are often extended past their 18th birthday. These children remain in "regular" foster care and the requirements under 18+ Continued Care do not apply until the court order expires and no new court order has been entered. It is at that time they can enter 18+ Continued Care or start their 6 months return option.

ICWA requirements do not apply in 18+ Continued Care.

The following "Court Order" options are available in FRAME:

- **18+ Court Order**

- Dispositional Order
- Division of Juvenile Services
- Permanency Hearing Order
- **18+ Court Order/Permanency**
- Removal/TCO/Shelter Care
- TPR

The only court order options to use in the 18+ program are indicated above as bold and underlined. The 18+ Court Order is entered in cases where a permanency hearing was not held and permanency findings are not part of the court order. Generally, this is selected in situations where a court order was obtained for youth returning to foster care. This court order can be obtained through a paper process.

If the court order is the result of an actual hearing that addressed the child's permanency plan, please choose the 18+ Court Order/Permanency option. **Permanency hearing requirements apply to all children who have turned 18 and continue in foster care, or return to foster care.** A child that continues in foster care requires permanency findings within 12 months of their removal and every 12 months thereafter. A child returning to foster care will require permanency findings 12 months from the effective date of the 18+ Continued Care Agreement, not the effective date of the new court order.

EXAMPLE:

A child entered foster care on 3/1/11, when the child was age 17. A permanency hearing is required no later than 3/1/12. If that child turns age 18 on 2/1/12 and an 18+ Court Order is obtained with an expiration date of 2/1/13, the permanency hearing is still required on 3/1/12.

In the above example, it is strongly suggested that an 18+ permanency hearing be held in situations where a child continues in foster care to ensure that the requisite 12 month permanency finding requirement is not missed.

TITLE IV-E ELIGIBILITY

All Title IV-E eligibility requirements that apply to children under age 18 also apply to children in 18+ Continued Care. A child age 18 or greater must meet at least one of the 18+ Continued Care program eligibility categories as outlined in previous sections. A child's case file must contain documentation of and verification of both program eligibility and Title IV-E eligibility.

Match symbols allowed for 18+ Continued Care children are federal match (FM) and regular match (RM). Emergency Assistance (EA) is available only in the situation described below.

Process

- 1. Children who currently are in foster care with an "Understanding of Parties" Agreement (Voluntarily signed before 1/1/12):**
 - a. All 18+ Continued Foster Care Agreements (SFN 60) are effective 1/1/12. The agreement must be signed by all three parties.
 - b. A court order must be in effect within 90 days of January 1, 2012, containing the requisite court order findings for foster care providers to continue to receive payment. A permanency hearing may be required if a permanency finding has not been made within the past 12 months.
 - c. Children who are Title IV-E eligible (FM) will remain Title IV-E eligible (FM) throughout the foster care episode. A new determination of Title IV-E eligibility is not needed.
 - d. Children who are coded as EA and will graduate by their 19th birthday, will continue as EA until they graduate. The match symbol will change to RM the beginning of the month following graduation.
 - e. Children who are determined to be RM will remain RM.

- f. Compelling reasons may need to be documented, if applicable.
2. **Children who return to foster care within six months of 1/1/12 (Discharged prior to 1/1/12 and not placed in Trial Independence)**
- a. The 18+ Continued Foster Care Agreement (SFN 60) must be signed by all three parties. The 18+ Continued Foster Care Agreement gives a North Dakota public agency placement and care responsibility until a court order is in effect.
- b. A court order must be in effect within 90 days of the effective date noted on the 18+ Continued Foster Care Agreement (SFN 60), containing the requisite court order findings. If, at the end of 90 days, a court order is not in effect, foster care payments must be terminated.
- c. Application for Foster Care (SFN 641) must be completed by the child. Information included on this form applies to the child only.
- d. Title IV-E eligibility must be re-determined by completing the Title IV-E Initial Eligibility Worksheet (SFN 869). Documentation in the file must include:
- SFN 641, Foster Care Application
 - SFN 869, Title IV-E Initial Eligibility Worksheet
 - SFN 870, Title IV-E Reimbursability
 - SFN 873, Title IV-E Income Calculation Worksheet
- e. Verification of the 18+ Continued Care eligibility category (grace period applies). Documentation in the file must support one category below:
- Education – full or part-time
 - Employment – at least 80 hours per month
 - Attending a program designed to promote or remove barriers to employment
 - Incapable of education or employment due to medical condition or disability

3. **Children Who Were Discharged from Foster Care at or after Age 18 (after the date of 1/1/12)**

Children who were discharged from foster care at or after age 18 can return to foster care within six months of their discharge date.

- a. Discharged under Trial Independence: The child can maintain their Title IV-E eligibility if he/she was discharged under Trial Independence and returns to foster care within 6 months. Title IV-E must be re-determined based upon the child only, without regard to the parent(s) or legal guardian(s).

1. Required:

- SFN 641, Foster Care Application, completed by the child. Information included on this form applies to the child only.

2. Documentation in the file supporting Title IV-E must include: *

- SFN 869, Title IV-E Initial Eligibility Worksheet
- SFN 870, Title IV-E Reimbursability
- SFN 873, Title IV-E Income Calculation Worksheet

3. Verification of the 18+ Continued Care eligibility (grace period applies). Documentation in the file must support one category below:

- Education – full or part-time
- Employment – at least 80 hours per month
- Attending a program designed to promote or remove barriers to employment
- Incapable of education or employment due to medical condition or disability

* Based on the foster care episode in which the child was most recently discharged under Trial Independence.

- b. **Not discharged under Trial Independence:** If a child returns to foster care within six months of discharge and was

not under Trial Independence, Title IV-E eligibility must be re-determined based upon the child only, without regard to the parent(s) or legal guardian(s).

1. Required:

- SFN 641, Foster Care Application, completed by the child. Information included on this form applies to the child only.

2. Documentation in the file must include:

- SFN 869, Title IV-E Initial Eligibility Worksheet
- SFN 870, Title IV-E Reimbursability
- SFN 873, Title IV-E Income Calculation Worksheet

3. Verification of the 18+ Continued Care eligibility category (grace period applies). Documentation in file must support one category below:

- Education – full or part-time
- Employment – at least 80 hours per month
- Attending a program designed to promote or remove barriers to employment
- Incapable of education or employment due to medical condition or disability

Medical

The Foster Care Application (SFN 641) must be completed in order to reinstate Medicaid for children who exit and return to foster care after age 18.

Title IV-E/Title XIX Redetermination – Foster Care (SFN 642) is used to re-determine Medicaid annually for children who remain in foster care past the child's 18th birthday.

Children under the custody of Tribal Social Services

The North Dakota Department of Human Services has entered into formal agreements with Standing Rock Sioux Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa and Devils Lake Sioux Tribe. The agreements allow the tribe or tribal court to retain jurisdiction, including placement and care responsibilities, of children and still have Title IV-E foster care eligibility for a child if all other Title IV-E foster care eligibility requirements are met. The Tribe is responsible for providing eligibility related information to the county to assist the county in determining Title IV-E eligibility. Maintenance payments for the care of children who are Title IV-E eligible and reimbursable will be paid by the state.

If the child is non-Title IV-E eligible, financial responsibility for foster care payment remains with the Tribe.

A child under the custody of Tribal Social Services, who was Title IV-E eligible while in foster care under the age of 18, is eligible for 18+ Continued Care. All areas of responsibility remain the same as when the child was under the age of 18. If the child loses Title IV-E eligibility or reimbursability, the county will close the foster care case and the Tribe will become financially responsible.

Child Support

A parent's child support obligation ends when the child turns age 18. The child support referral is automatically closed in CCWIPS when this occurs.

Social Security Benefits

Current policy related to children in foster care under age 18 applies to children in 18+ Continued Care.

FOSTER CARE PAYMENTS:

All youth in 18+ Continued Care remain eligible for foster care maintenance payments. The process and items covered in the foster care maintenance payment are consistent with policy for foster youth under

the age of 18. This rate includes the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, and liability insurance with respect to the child.

Secondary placements are not allowed in 18+ Continued Care. Payments are limited to the primary caretaker only, as the 18+ Continued Foster Care Agreement (SFN 60) does not include any placement resource other than the primary foster care provider.

Irregular Payments

With the appropriate approval, irregular payments are available for a child in 18+ Continued Care. Payments will be made to the licensed foster care provider.

In cases where a foster child is a parent and placed with their own child in the same foster home, the foster care maintenance payment will be assessed to cover the cost of that child.

Although excess maintenance payments (EMP's) are allowed, requests should be discussed thoroughly during Foster Care Child & Family Team meetings before an EMP is approved. EMP's are available in special circumstances, when the child has special needs or the difficulty of care significantly affects her/his foster care placement.

Therapeutic Family Foster Care

The child must be in need of a therapeutic level of care in order to remain eligible for the therapeutic family foster care rate. The step-down or county age appropriate foster care rate (flow through rate) will be paid in situations where the child does not meet the therapeutic level of care. A group home approval is required for all children who are placed in a therapeutic family foster home.

FRAME/ CCWIPS:

A FRAME Users Guide for 18+ Continued Care will be distributed to explain the changes made to the system. This guide will assist case managers with required data entry.